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August 15, 2022

**Via CM/ECF**

Hon. Cheryl L. Pollak  
United States Magistrate Judge  
Eastern District of New York  
United States Courthouse  
500 Pearl Street, Room 1230  
New York, New York 10007

Dear Magistrate Judge Pollak:

**Re:    *Lewis, et al. v. New York Health Care, Inc.***  
**Civil Action No. 21-cv-04333-CBA-CLP**

We represent the Defendant in this matter. In accordance with your Motion Procedures and Rules, we are writing because the Plaintiffs have failed to provide ***any responses whatsoever*** to Defendant's document and interrogatory requests despite repeated good faith conference attempts. We therefore request leave to file a motion to compel and for sanctions under FRCP 37(a)(5)(A).

The Defendant served its First Set of Interrogatories and its First Request for Production of Documents on the Plaintiffs on March 25, 2022. Copies of these documents are attached as **Exhibit A** and **Exhibit B** respectively.

Beginning on May 10, 2022, I have followed up repeatedly with Plaintiff's counsel both by email and by phone in order to procure Plaintiffs' compliance with these discovery requests. Plaintiffs' counsel has repeatedly represented that he would serve Plaintiffs' discovery responses within the next few days. For example, at the last status conference on July 26, 2022, Plaintiffs' counsel made this assurance in the Court's presence. Most recently, on August 9, 2022, after I advised counsel that the Defendant planned to move to compel, Plaintiff's counsel responded, "Please give me until tomorrow to get the responses."

Accordingly, having repeatedly attempted to confer with the Plaintiffs in good faith without success, the Defendant requests leave to file a motion to compel and for sanctions under FRCP 37(a)(5)(A).

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Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua Feinstein", written over a horizontal line.

Joshua Feinstein

cc: All counsel of record (via CM/ECF)